



# City of Harrisonburg, Virginia

## Planning Commission Meeting

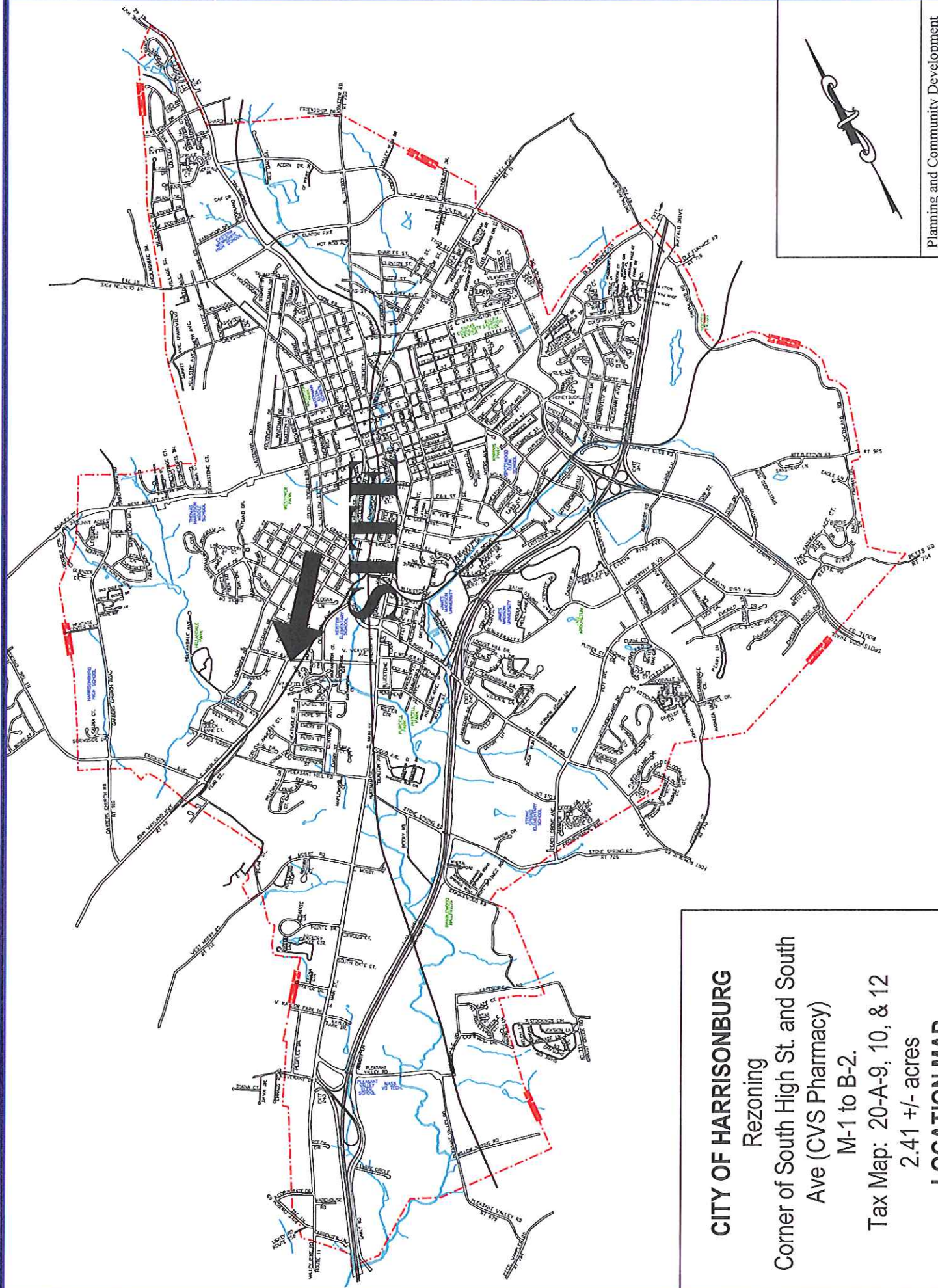
January 13, 2010

7:00 p.m.

Regular Meeting  
409 South Main Street

- 1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the December 9, 2009 regular meeting and the minutes from the December 9, 2009 Comprehensive Plan meeting.**
- 2) **New Business**  
*Rezoning – Corner of S. High St. & South Ave. (CVS Pharmacy)*  
Public hearing to consider a request from South Avenue, LLC and Patrick and Virginia Logan to rezone three parcels totaling 2.41 +/- acres from M-1, General Industrial District to B-2C, General Business District Conditional. The parcels are located at 191 South Avenue and 1100 and 1118 South High Street and can be found on tax maps 20-A-9, 10, & 12.
- 3) **Unfinished Business**
- 4) **Public Input**
- 5) **Report of secretary and committees**  
*Proactive Zoning*
- 6) **Other Matters**  
*Review of 2009 Annual Reports*
- 7) **Adjournment**

Staff will be available Tuesday February 9, 2010 at 2:30 p.m. for those interested in going on a field trip to view the sites for the February 10, 2010 agenda.



## CITY OF HARRISONBURG

### Rezoning

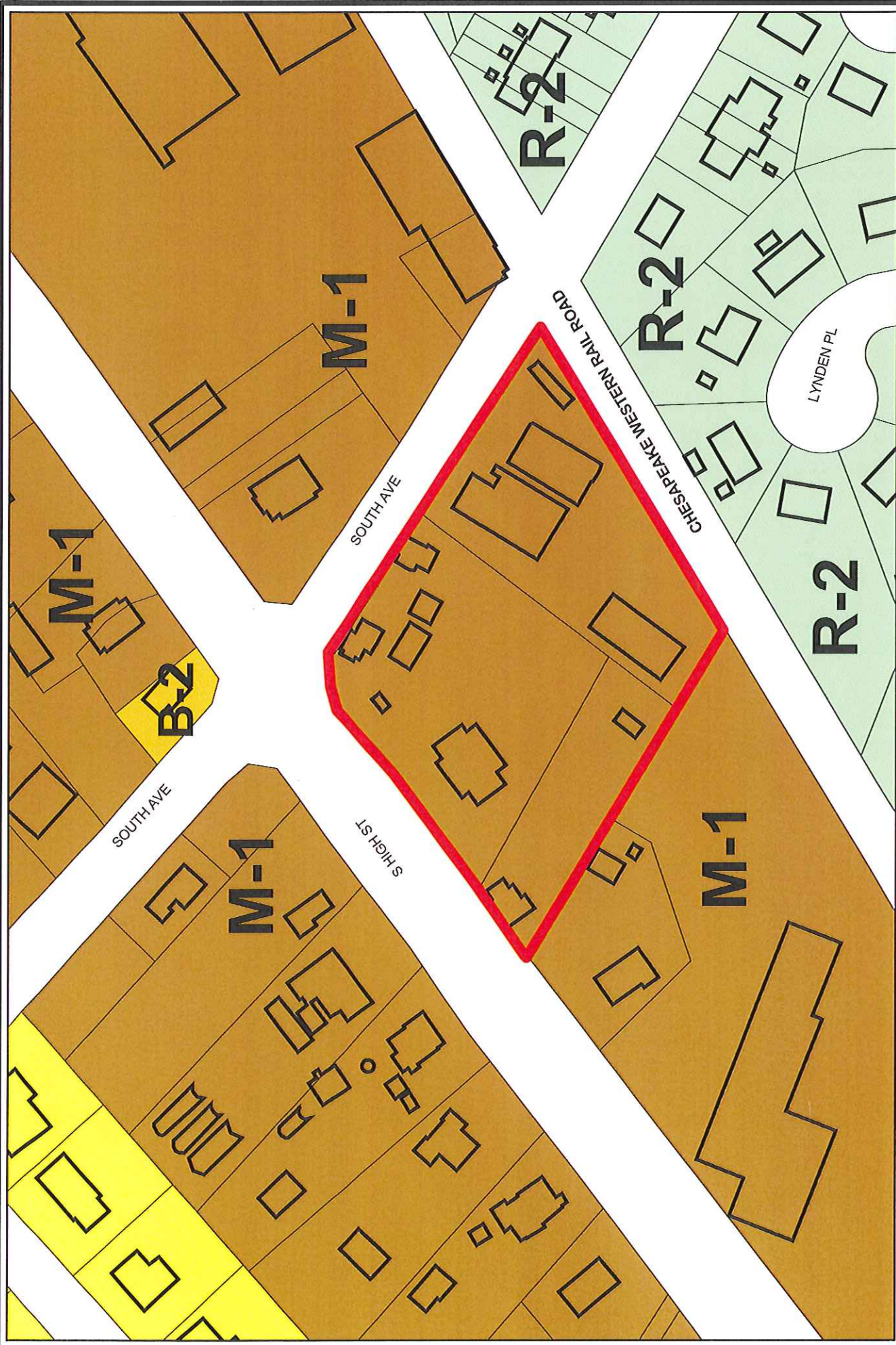
Corner of South High St. and South  
Ave (CVS Pharmacy)

M-1 to B-2.

Tax Map: 20-A-9, 10, & 12  
2.41 +/- acres

### LOCATION MAP





**Rezoning - M-1 to B-2 - (CVS Pharmacy)**  
**Corner of South High Street and South Avenue**





# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT January 13, 2010

### REZONING – CORNER OF S. HIGH ST. & SOUTH AVE. (CVS PHARMACY)

#### GENERAL INFORMATION

**Applicant:** South Avenue, LLC and Patrick and Virginia Logan  
**Tax Map:** 20-A-9, 10, & 12  
**Acreage:** 2.41 +/- acres  
**Location:** Corner of South High Street and South Avenue  
**Request:** Public hearing to consider a request to rezone three parcels from M-1, General Industrial District to B-2C, General Business District Conditional.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The following land uses are located on and adjacent to the property:

Site: Automotive mechanic shop and non-conforming uses, zoned M-1  
North: Across the South High Street/South Avenue intersection, commercial uses and dwellings, zoned B-2 and M-1  
East: Across South Avenue, industrial uses, a church, and the Rocking R Hardware property, zoned M-1  
South: Across the Norfolk Southern rail line, residential dwelling units, zoned R-2 and industrial uses, zoned M-1  
West: Across South High Street, non-conforming commercial uses, zoned M-1

#### EVALUATION

Two separate property owners are contracting with Lee Hall Plaza, Inc. to attempt to rezone three properties from M-1, General Industrial District to B-2C, General Business District Conditional for the planned use of a CVS Pharmacy/retail business. The properties are located at the southern corner of the intersection of South High Street and South Avenue—many residents know this property as Logan Corner. Two retail uses, an automotive repair shop, residential dwelling units, an advertising billboard, and several out buildings currently occupy the subject property.

The submitted development plan has been proffered, which incorporates razing all of the existing buildings to make way for a CVS pharmacy/retail building that has two entrances—one, right-in right-out access along South High Street, and one, full service entrance along South Avenue. Staff conveyed



to the applicant's engineer to design the "pork chop" island, which would regulate the right-in right-out access, in a manner that would discourage illegal traffic movements on South High Street. The "pork chop" design is shown on the submitted layout, but, if approved, the details would be worked out during the site plan review. As specified in the proffers below, CVS would like to create a shared full service access with the adjacent property owner at 1124 South High Street (tax map 20-A-8A). This entrance would be further south on South High Street than the right-in right-out entrance. If CVS can work out a private arrangement with the adjoining property owner, the right-in right-out entrance may not be provided as the proffers would allow the full service shared entrance. This would be beneficial to the City as it would help reduce the number of entrances on South High Street.

The plan also illustrates CVS's typical pharmacy layout (similar to the CVS at the corner of Port Republic Road and Peach Grove Avenue) consisting of a patron entrance at the corner of the building, parking surrounding the front facades of the building, a drive-thru, a compactor at the rear of the building, a screened dumpster, a corner pylon sign, and enter and exit directional signage at each vehicular entrance. The proposed layout also exceeds the City's landscaping requirements.

The layout illustrates 13 more parking spaces than the required minimum. Rather than having a large, hard surfaced parking area at the corner of the property, staff suggested removing what we believe is unnecessary additional parking, and relocating the building closer to the streets to help create a more aesthetically pleasing property layout. Although they preferred to maintain their traditional design, they have proffered landscaping details suggested by staff to help beautify the property, providing an example of landscaping properties along major travel corridors throughout the City—a goal of the Comprehensive Plan.

The proffered landscaping details include planting and maintaining a large deciduous tree, at two and a half inch caliper at planting, every forty feet on center along their property frontage. It also includes planting and maintaining evergreen trees at the base of the retaining wall, at three feet tall at planting, every ten feet on center. This detail should help the aesthetics of the retaining wall. Most of the other "undeveloped" areas of the property would be covered with grass.

The following proffers were submitted:

1. Applicant will generally comply with the details identified on the Site Plan Sheet Number 1 and Landscape Plan Sheet Number 2 dated July 21, 2009, prepared by Kimly-Horn and Associates, Inc., submitted with its application for Change of Zoning District, with the exception that the "right in, right out" entrance located on South High Street, as shown on the Site Plan, may be replaced by a full access shared entrance as may be negotiated with the adjoining property owner (Roy C. Weller and Amy M. Weller TM# 20-A-8A) located along South High Street at the south west corner of the subject property.
2. All planted landscaping upon the subject property shall be maintained by the property owner.
3. Applicant shall incorporate into its site plan development, accommodations for future bicycle facilities along the South Avenue frontage.
4. The existing Billboard Sign located on the south side of South Avenue at 191 South Avenue currently under Sign Location Lease dated November 18, 2005 with The Lamar Companies shall be removed by the applicant at the earliest possible date, but not later than sixty (60) days from the end of the current lease term of December 31, 2015.



5. Applicant shall erect only one (1) free standing sign on the subject property until the subject Billboard Sign is removed. No additional free standing store signs shall be allowed on the subject property until such time as the Billboard Sign is removed.
6. Applicant will have "Enter" and "Exit" signs located at the entrances for the subject property but with no additional letters or words on the sign other than enter or exit.
7. Applicant shall take the required actions to have all internal lot lines vacated on the subject properties.

If approved, the above proffers relating to the advertising capabilities of CVS would be further regulated by the Sign Ordinance. Without going into great detail about this issue, from an aesthetic perspective, CVS and staff would like the billboard sign on the property to be removed. It is important for CVS to remove the billboard, as doing so would ultimately allow them to advertise their business with additional signage. They have been working toward an agreement to get the billboard sign removed. Staff and representatives from CVS believed it was best to outline the advertising sign details in proffer form to clarify, for the future, how signs would be handled on the subject property.

A Traffic Impact Analysis (TIA) was performed prior to the submittal of the application. The TIA only analyzed the site with a CVS use in mind, which determined the CVS-generated traffic would have no effect on the overall intersection level of service and would have negligible effect on individual traffic movement—meaning no major traffic improvements were warranted. In addition, the right-in right-out entrance on South High Street would operate in a safe and efficient manner. This entrance, however, would require a taper lane.

Per Section 3.3.3.2 of the Design and Construction Standards Manual (DCSM), sidewalks shall be constructed along the street frontage of all developing and redeveloped properties. This means, if CVS or any future developer were to redevelop this site, sidewalk construction along the street frontages would be part of the development plan. As part of this project, as mentioned above, they have proffered they will construct the bicycle improvements along their South Avenue property frontage.

The subject properties, along with many other properties in this area of the City are zoned M-1, and have had this zoning classification since their annexation into the City. The Comprehensive Plan Land Use Guide designation for these properties and many of the other lots on this section of South High Street is Commercial—meaning a rezoning to B-2 would be more compliant with the City's long term goals than having properties zoned for industrial use. Staff believes the intended use, and the B-2 zoning, are beneficial and favorable for the long term plans in this area. This rezoning could initiate new development and/or encourage other re-development projects in this area of the City.

Given the details of the proffers, the determinations of the TIA, and the fact the rezoning is compliant with the City's long term goals, staff supports a favorable recommendation to City Council to rezone the properties from M-1 to B-2C.



# BotkinRose PLC

Attorneys at Law

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Lindsay C. Brubaker  
Daniel R. Lauro  
Erin E. Layman  
Carolyn Madden Perry  
Steven C. Rhodes  
Kevin M. Rose  
Ryan P. Waid

Steven C. Rhodes

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[www.botkinrose.com](http://www.botkinrose.com)

January 11, 2010

Mr. Adam Fletcher, City Planner  
City of Harrisonburg  
409 South Main Street  
Harrisonburg, VA 22801

RE: Application for Change of Zoning (M1 to B2)  
Corner of South High Street and South Avenue (CVS Pharmacy),  
Consisting of 2.41 acres, more or less  
Planning Commission Meeting January 13, 2010

Dear Mr. Fletcher:

Please find the following Proffers made on behalf of my client, Lee Hall Plaza, Inc., relative to the above rezoning Application. Pursuant to City Ordinance § 10-3-123(b), the undersigned owners hereby proffer that the development of the subject property on this application shall be in strict accordance with the conditions set forth in this submission.

## PROFFERS

1. Applicant will generally comply with the details identified on the Site Plan Sheet Number 1 and Landscape Plan Sheet Number 2 dated July 21, 2009, prepared by Kimley-Horn and Associates, Inc., submitted with its application for Change of Zoning District, with the exception that the "right in, right out" entrance located on High Street, as shown on the Site Plan, may be replaced by a full access shared entrance as may be negotiated with the adjoining property owner (Roy C. Weller and Amy M. Weller TM# 20-A-8A) located along South High Street at the south west corner of the subject property.

2. All planted landscaping upon the subject property shall be maintained by the property owner.

3. Applicant shall incorporate into its site plan development, accommodations for future bicycle facilities along the South Avenue frontage.



Mr. Adam Fletcher, City Planner  
Re: CVS Pharmacy  
Page 2

4. The existing Billboard Sign located on the south side of South Avenue at 191 South Avenue currently under Sign Location Lease dated November 18, 2005 with The Lamar Companies shall be removed by the applicant at the earliest possible date, but not later than sixty (60) days from the end of the current lease term of December 31, 2015.

5. Applicant shall erect only one (1) free standing sign on the subject property until the subject Billboard Sign is removed. No additional free standing store signs shall be allowed on the subject property until such time as the Billboard Sign is removed.

6. Applicant will have "Enter" and "Exit" signs located at the entrances for the subject property but with no additional letters or words on the sign other than enter or exit.

7. Applicant shall take the required actions to have all internal lot lines vacated on the subject properties.

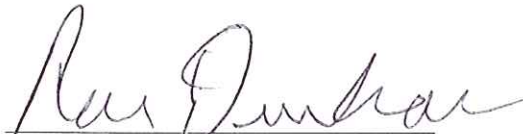
Very truly yours,



Steven C. Rhodes

SCR/pcw

SEEN AND AGREED:



Ron Dunham, Manager,  
South Avenue, LLC  
Property Owner

\_\_\_\_\_  
Patrick W. Logan, Sr.  
Property Owner

\_\_\_\_\_  
Virginia W. Logan  
Property Owner

Client: Letter/Rebkee.City of Harrisonburg.Proffer ltr.1.11.10



Mr. Adam Fletcher, City Planner  
Re: CVS Pharmacy  
Page 2

5. Applicant shall erect only one (1) free standing sign on the subject property until the subject Billboard Sign is removed. No additional free standing store signs shall be allowed on the subject property until such time as the Billboard Sign is removed.

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7. Applicant shall take the required actions to have all internal lot lines vacated on the subject properties.

Very truly yours,



Steven C. Rhodes

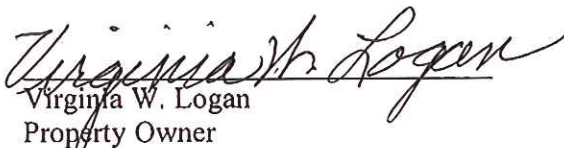
SCR/pcw

SEEN AND AGREED:

\_\_\_\_\_  
Ron Dunham, Manager,  
South Avenue, LLC  
Property Owner



Patrick W. Logan, Sr.  
Property Owner



Virginia W. Logan  
Property Owner

# BotkinRose PLC

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January 11, 2010

Mr. Adam Fletcher, City Planner  
City of Harrisonburg  
409 South Main Street  
Harrisonburg, VA 22801

RE: Application for Change of Zoning (M1 to B2)  
Corner of South High Street and South Avenue (CVS Pharmacy),  
Consisting of 2.41 acres, more or less  
Planning Commission Meeting January 13, 2010

Dear Mr. Fletcher:

I hereby certify to you on behalf of my client, Lee Hall Plaza, Inc., concerning its application for rezoning identified above that:

1) one of the tax parcels involved in the aforesaid application for rezoning is subject to a certain ten (10) year term Sign Location Lease concerning a billboard sign located at the south side of South Avenue east of High Street; and

2) the said ten (10) year sign lease term expires on December 31, 2015.

Very truly yours,



Steven C. Rhodes

SCR/pcw



#### PROPOSED USE DESCRIPTION

The herein stated applicants are under contract to sell the subject three parcels of real estate to Lee Hall Plaza, Inc., a Virginia corporation, for the intended purpose of constructing a CVS Pharmacy.

B 2 0 6 5 P 2 6 9

PREPARED BY:  
WILSON & BOWERS  
120 OLD SOUTH HIGH STREET  
HARRISONBURG, VA 22801

**\*\*TAX EXEMPT PURSUANT TO VA CODE SECTION 58.1-811(D)\*\***

TAX MAP #20-A-10

THIS DEED OF GIFT, made this 9th day of April, 2002, by and between ELLEN H. LOGAN, widow, and PATRICK W. LOGAN, SR., Grantors, and PATRICK W. LOGAN, SR. and VIRGINIA W. LOGAN, husband and wife, Grantees,

W I T N E S S E T H :

That for and in consideration of a gift, the said Grantors do hereby grant and convey with General Warranty and English Covenants of Title unto the said PATRICK W. LOGAN, SR. and VIRGINIA W. LOGAN, husband and wife, Grantees, as tenants by the entirety with the right of survivorship as at common law, all that certain lot or parcel of land, together with any improvements thereon, and all rights, privileges, appurtenances, easements and rights of way thereunto belonging or in anywise appertaining, situate in the southwest portion of the City of Harrisonburg, Virginia, on the southeast corner of the intersection of South High Street (State Route 42) and South Avenue. The northwestern boundary of this parcel being the southeastern line of South Avenue; the southeastern boundary being the northwestern line of a parcel conveyed by Edna Logan, et als, to Port Road Developers, Inc., by deed dated July 6, 1973, said deed being of record in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 423,



Page 430, and the southwestern boundary being a parcel owned by the grantor herein, conveyed to C. Worth Logan and Ellen H. Logan by deed dated April 16, 1942, said deed being of record in the aforesaid Clerk's Office in Deed Book 186, Page 421.

LESS AND EXCEPT THEREFROM, HOWEVER, a small parcel containing .11 of an acre conveyed to the Commonwealth of Virginia for the widening of State Route 42 by deed dated March 29, 1988, and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 902, Page 675.

Grantor, Ellen H. Logan, acquired her interest in the hereby conveyed real estate by virtue of the following:

(A) Pursuant to the Last Will and Testament of her husband, C. Worth Logan, which Will is of record in the Clerk's Office aforesaid in Will Book 28, Page 4; and

(B) Deed dated April 2, 1976, from Edna W. Logan, of record in the aforesaid Clerk's Office in Deed Book 469, Page 4; and

(C) Pursuant to the Last Will and Testament of Donald H. Logan, which Will is of record in the aforesaid Clerk's Office in Will Book 77, Page 505.

Grantor, Patrick W. Logan, Sr., acquired his interest in the hereby conveyed real estate by deed dated April 1, 1991, from Ellen H. Logan, widow, which deed is recorded in the Clerk's Office aforesaid in Deed Book 1059, at Page 318.

This conveyance is made expressly subject to the conditions, restrictions, and easements of record, if any, contained in the instruments constituting the chain of title to the property conveyed herein, and to matters visible upon inspection.

WITNESS the following signatures and seals:

Ellen H. Logan (SEAL)  
ELLEN H. LOGAN

Patrick W. Logan, Sr. (SEAL)  
PATRICK W. LOGAN, SR.

COMMONWEALTH OF VIRGINIA

CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of April.

2002, by Ellen H. Logan, widow.

My commission expires: July 31, 2003.

Richard M. H. Simpson  
NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of April.

2002, by Patrick W. Logan, Sr.

My commission expires: July 31, 2003.

Richard M. H. Simpson  
NOTARY PUBLIC

GRANTEES' ADDRESS:

1600 South High St.  
Harrisonburg VA, 22801  
11

VIRGINIA: In the Clerk's Office of the Circuit Court of Harrisonburg County  
The foregoing instrument was this day presented in the office aforesaid, and  
together with the certificate of acknowledgment annexed, admitted to record.  
The day of April, 20 02 at 1044 M. I certify the  
taxes were paid when applicable.

Sec. 58-54 - State \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_  
Sec. 58-54.1 - State \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_ Transfer 1.00  
Recording 17.00 TESTE

L. WAYNE HARRIS  
CLERK

Deed Book No 2065 Page 269



PREPARED BY:  
WILSON & BOWERS  
120 OLD SOUTH HIGH STREET  
HARRISONBURG, VA 22801

**\*\*TAX EXEMPT PURSUANT TO VA CODE SECTION 58.1-811(D)\*\***

TAX MAP #20-A-9

THIS DEED OF GIFT, made this 9th day of April, 2002, by and between ELLEN H. LOGAN, widow, and PATRICK W. LOGAN, SR., Grantors, and PATRICK W. LOGAN, SR. and VIRGINIA W. LOGAN, husband and wife, Grantees,

W I T N E S S E T H :

That for and in consideration of a gift, the said Grantors do hereby grant and convey with General Warranty and English Covenants of Title unto the said PATRICK W. LOGAN, SR. and VIRGINIA W. LOGAN, husband and wife, Grantees, as tenants by the entirety with the right of survivorship as at common law, all that certain lot or parcel of land, together with any improvements thereon, and all rights, privileges, appurtenances, easements and rights of way thereunto belonging or in anywise appertaining, situate on the southeast side of State Route 42 (formerly Warm Springs Turnpike) in the City of Harrisonburg, Virginia, and described in prior deeds as follows:

"Beginning at a planted stone, a new corner in the east line of the Warm Springs Turnpike, in the line of the grantor and grantee herein; thence S 57 1/4 E 24.10 poles, a new line to a stone in the line of the Chesapeake-Western Railroad right of way with the grantors and grantee herein; thence with same S 62 1/8 W 6.40 poles to a planted stone, corner of said railroad right of way and Tim Swartz; thence with Tim Swartz's land N 57 1/4 W 22.88 poles to a planted stone on the south side of the pike; and thence with same N 57 1/2 E 6.105 poles to the beginning, containing approximately three-fourths of an acre."

LESS AND EXCEPT THEREFROM, HOWEVER, a small parcel containing 0.035 of an acre conveyed to the Commonwealth of Virginia for the widening of State Route 42 by deed dated March 29, 1988, and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 902, Page 675.

Grantor, Ellen H. Logan, acquired her interest in the hereby conveyed real estate by virtue of the Last Will and Testament of her husband, C. Worth Logan, which Will is of record in the Clerk's Office aforesaid in Will Book 28, Page 4; and also pursuant to the terms of the Last Will and Testament of Donald H. Logan, which Will is of record in the aforesaid Clerk's Office in Will Book 77, Page 505.

Grantor, Patrick W. Logan, Sr., acquired his interest in the hereby conveyed real estate by deed dated April 1, 1991, from Ellen H. Logan, widow, which deed is recorded in the Clerk's Office aforesaid in Deed Book 1059, at Page 318.

This conveyance is made expressly subject to the conditions, restrictions, and easements of record, if any, contained in the instruments constituting the chain of title to the property conveyed herein, and to matters visible upon inspection.

WITNESS the following signatures and seals:

 (SEAL)  
ELLEN H. LOGAN

 (SEAL)  
PATRICK W. LOGAN, SR.



COMMONWEALTH OF VIRGINIA

CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of April,

2002, by Ellen H. Logan, widow.

My commission expires: ~~July 31, 2003.~~

NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of April,

2002, by Patrick W. Logan, Sr.

My commission expires: July 31, 2003.

NOTARY PUBLIC

GRANTEES' ADDRESS:

4100 South High St.

Warrenburg VA. 22801

I, Paula, in the Clerk's Office of the Circuit Court of Rockingham County  
 the foregoing instrument was this day presented in the office aforesaid, and is  
 together with the certificate of acknowledgment annexed, admitted to record this  
12 day of April, 20 02 at 1:06 P.M. I certify that  
 the fees were paid when applicable.

Sec. 58-54 - State \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_  
 Sec. 58-54.1 - State \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_ Transfer 1.00  
 Recording 1.00 TESTE \_\_\_\_\_

L. WAYNE HARPER  
CLERK

Deed Book No 2065 Page 266

011285

ROCKINGHAM COUNTY  
Chaz W. Evans-Haywood  
CLERK OF COURT  
Harrisonburg, VA 22801



60 2008 00023360

Instrument Number: 2008- 00023360

As

Recorded On: August 04, 2008

Deed of Bargain & Sale

Parties: DUNHAM RONALD G

To

SOUTH AVENUE LLC

Recorded By: LAYMAN & NICHOLS

Num Of Pages: 5

Comment: PARCEL HBURG/ASHBY

**\*\* Examined and Charged as Follows: \*\***

Deed of Bargain & Sale	6.50	10 or Fewer Pages	14.50	Open Space Preservation Cot	1.00
Transfer Fee City	1.00				
Recording Charge:	23.00				

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: ROCKINGHAM COUNTY, VA

**File Information:**

Document Number: 2008- 00023360  
Receipt Number: 110165  
Recorded Date/Time: August 04, 2008 12:32:25P  
Book-Vol/Pg: Bk-OR VI-3366 Pg-325  
Cashier / Station: A Wolverton / Cash Station 3

**Record and Return To:**

LAYMAN & NICHOLS  
268 NEWMAN AVE  
HARRISONBURG VA 22801



THE STATE OF VIRGINIA)  
COUNTY OF ROCKINGHAM}

I certify that the document to which this authentication is affixed is a true copy of a record in the Rockingham County Circuit Court Clerk's Office and that I am the custodian of that record

  
CLERK OF COURT  
ROCKINGHAM COUNTY, VIRGINIA



Doc	Bk	Vol	Ps	# of Pgs
00023360	OR	3366	325	5
Aug 04, 2008				

Tax Map Nos. 021-F-4, 122A2-(A)-98, 020-A-12

THIS DEED, exempt from recording taxes pursuant to Virginia Code Section 58.1-811.A.10, made this 27th day of September, 2007, by and between RONALD G. DUNHAM and REGINA M. DUNHAM, husband and wife, Grantors, and SOUTH AVENUE, LLC, a Virginia limited liability company, Grantee,

WITNESSETH:

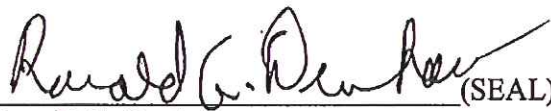
As a capital contribution to South Avenue, LLC, upon its formation, the Grantors, as the initial members of South Avenue, LLC, do hereby grant and convey with General Warranty and English Covenants of Title unto South Avenue, LLC, Grantee, those certain tracts or parcels of land, together with improvements thereon, and all rights, privileges, easements and appurtenances thereunto belonging or in anywise appertaining, as described in Exhibit A, which is attached hereto and made a part hereof.


This conveyance is made subject to all easements, conditions, restrictions, reservations and agreements contained in duly recorded Deeds, plats and other instruments constituting constructive notice in the chain of title to the property herein conveyed, which have not expired by limitation of time contained therein or otherwise become ineffective.

Reference is here made to the aforesaid deed and plat for further description and derivation of title to the property described herein.

(This space intentionally left blank.)

WITNESS the following signatures and seals:

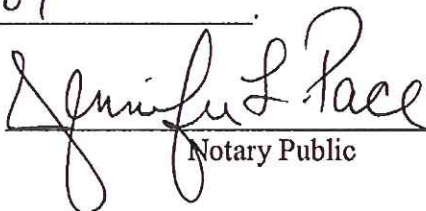
 (SEAL)  
Ronald G. Dunham

 (SEAL)  
Regina M. Dunham

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Harrisonburg, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction  
aforesaid this 1<sup>st</sup> day of August, 2008 by Ronald G. Dunham and Regina M. Dunham,  
husband and wife.

My commission expires: 3/31/09

  
Notary Public



Grantee's Address:

140 Bennington Place  
Harrisonburg, VA 22801



Exhibit A

TRACT ONE

All that certain lot or parcel of land, together with the improvements thereon, and all rights, privileges, appurtenances, easements and rights of way thereunto belonging or in anywise appertaining, situated on the north side of State Route #42, in the City of Harrisonburg, (formerly Central District, Rockingham County) Virginia, designated as Lot 1 on a plat entitled "Final Plat Hidden Creek Properties Subdivision, Section One", and being more particularly bounded and described according to a survey made by Michael W. Mars, Land Surveyor, dated September 13, 1990, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 1043, page 259, as follows:

Beginning at an iron pin found in the northwestern line of South High Street, said pin being a corner to Lot 2, Section 1, Rockingham Square Subdivision; thence with the said northwestern line of South High Street S 72° 01' 00" W 80.95' to an iron pin found, said pin being a corner to David M. and Mary Ann Fisher; thence leaving said South High Street and with said Fisher N 40° 05' 00" W 314.11' to an iron pin set, a new corner; thence leaving said Fisher and with a new division line N 50° 13' 18" E 75.00' to an iron pin set in the line of Lot 1, Section 1, Rockingham Square Subdivision; thence with said Lot 1 and the aforementioned Lot 2, Section 1, Rockingham Square Subdivision S 40° 05' 00" E 344.16' to the beginning, containing 24,685 Sq. Ft. (0.567 acres) of land.

**TOGETHER WITH** a twenty-five (25) foot nonexclusive right of way for purposes of ingress and egress to South High Street as shown on the aforesaid plat which was reserved unto Hidden Creek Properties, a successor in title to GSW Investors, by deed dated December 14, 1983, recorded in the aforesaid Clerk's Office in Deed Book 701, page 28, and is shown on the subdivision plat recorded in Deed Book 701, page 25.

The real estate herein conveyed is the same property acquired by the Grantors herein, by deed dated December 7, 1990, from GSW Investors, a Virginia General Partnership, recorded in the aforesaid Clerk's Office in Deed Book 1044, page 144.

TRACT TWO

All that certain lot or parcel of land, together with the improvements thereon located on the southeast corner of North River Road and Grove Street, in the town of Bridgewater, Rockingham County, Virginia, and being more particularly described according to a survey made by George E. Foard, L.S., dated June 14, 1982, as follows:

Beginning at an iron pipe in the easterly right-of-way of Grove Street, said point also being the southwesterly corner of the land of Fulton; thence running with the easterly line of Grove Street, N 26° 56' 00" E 57.74 feet to an iron pipe, and N 70° 39' 40" E. 14.24 feet to an iron pipe in the southwesterly line of North River Road; thence running with the southwesterly line of North River Road, S 62° 46' 00" E 71.34 feet to an iron pipe, and S 46° 17' 00" E 151.64 feet to an iron pipe, said pipe being the northerly corner of the land of Riggleman; thence running with the northwesterly line of Riggleman, S 42° 18' 00" W 85.60 feet to an iron pipe in the northeasterly line of the land of Ritchie; thence running with the northeasterly line of Ritchie and continuing

with the northeasterly line of Fulton, N 47° 00' 00" W 211.97 feet to the point of beginning, containing 0.4241 acres.

The real estate herein conveyed is the same property acquired by the Grantors herein, by deed dated August 1, 1989, from Garten Bros., Inc., a Virginia corporation, recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia in Deed Book 975, page 699.

The real estate herein conveyed is the same property acquired by the Grantors herein by deed dated June 13, 1988, from Roger J. Green, divorced, which deed is duly of record in the Clerk's Office of the Rockingham County, Virginia, in Deed Book 909, page 683.

### TRACT THREE

All those two (2) certain lots or parcels of land, containing in the aggregate approximately 42,193 square feet, more or less, together with the improvements thereon and all rights, privileges and appurtenances thereunto belonging or in anywise appertaining, situate on the southwestern side of South Avenue on the northwestern side of C & W Railroad right-of-way, in the City of Harrisonburg, Virginia, designated as Parcel No. 1 and Parcel No. 2 as shown on the plat attached hereto and incorporated herein and a survey thereof, dated December 3, 1986, by Bobby L. Owens, L.S., as follows: Beginning at an iron pin set, in the northwestern line of the C. & W. Railroad and southwestern line of South Avenue; thence with the C. & W. Railroad right-of-way line S 59-03-27 W 323.70 ft. to an iron pin set, a corner with Howard F. and Aldalene S. King; thence with the line of King N 59-57-00 W 85.96 ft. to an iron pin, found, a corner with Ellen H. Logan; thence with the line of Logan N 36-43-27 E 288.18 ft. to an iron pin, found, in the southern line of South Avenue; thence with said line S 59-05-33 E 209.46 ft. to the beginning and enclosing an area of 42,193 square feet.

The real estate herein conveyed is the same property acquired by the Grantors herein by deed dated December 9, 1986, from Wayne B. Rothery and Karen B. Rothery, husband and wife, which said deed is duly of record in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 821, page 211.

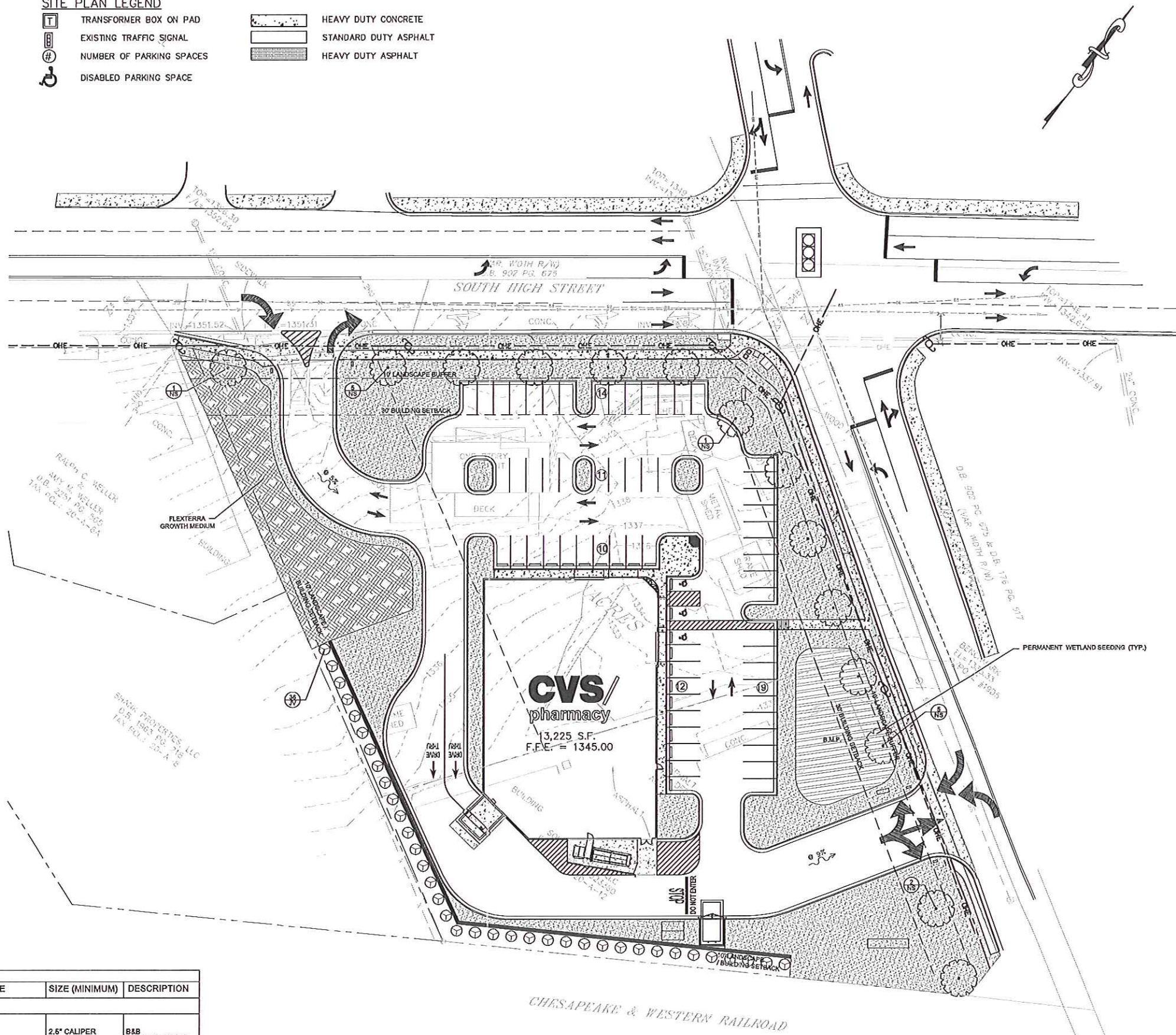






# SITE PLAN LEGEND

	TRANSFORMER BOX ON PAD		HEAVY DUTY CONCRETE
	EXISTING TRAFFIC SIGNAL		STANDARD DUTY ASPHALT
	NUMBER OF PARKING SPACES		HEAVY DUTY ASPHALT
	DISABLED PARKING SPACE		



Parking Interior Area Calculations:	REQUIRED	EXISTING	PROPOSED
A. 15 percent of parking lot: total parking lot area = 24,792 s.f.	3,719 SF	NA	4,086 SF

## PLANTING LEGEND & SCHEDULE

LEGEND		SCHEDULE					
SYMBOL	PLANT TYPE	QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE (MINIMUM)	DESCRIPTION
TREES		PLANTS					
	LARGE DECIDUOUS TREE (SYMBOL NS)	14	NS	NYSSA SYLVATICA 'RED RAGE'	'RED RAGE' BLACK TUPELO	2.5" CALIPER	B&B SPACE @ 4' O.C.
	EVERGREEN TREE (SYMBOL JO)	36	JV	JUNIPERUS VIRGINIANA 'HILL SPIRE'	'HILL SPIRE' EASTERN RED CEDAR	3' HT.	B&B SPACE @ 1' O.C.
GROUNDCOVERS		PLANTS					
	FESCUE SOD			FESTUCA *SPECIES*	FESCUE SOD		
	BMP				WETLAND SEED MIX		



**Kimley-Horn  
and Associates, Inc.**  
1500 FOREST AVENUE, SUITE 115  
RICHMOND, VIRGINIA 23229

## CONSULTANT:

KIMLEY-HORN AND ASSOCIATES, INC.  
1500 FOREST AVENUE, SUITE 115  
RICHMOND, VA 23229  
PHONE: (804) 673-3882  
FAX: (804) 673-3980

## SEAL:

**CVS/**  
**pharmacy**  
13,225 S.F. PROTOTYPE  
STORE NUMBER: # 4237

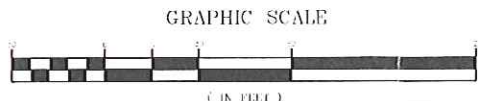
INTERSECTION OF  
SOUTH HIGH ST. AND SOUTH AVE.  
HARRISONBURG, VIRGINIA

## OWNER/DEVELOPER:

THE REBKEE COMPANY  
15871 CITY VIEW DRIVE, SUITE 300  
MIDLOTHIAN, VA 23113  
PHONE: (804) 419-0740  
FAX: (804) 419-0759

## REVISIONS:

LAYOUT COORD: AFS  
PLANNING MGR. DBE  
DRAWING BY: DHL  
DATE: 07/21/09  
JOB NUMBER: 113001235  
TITLE: Landscape Plan  
SHEET NUMBER:





# NOTES

## 1. OWNERSHIP:

PARCEL 'A' - PATRICK W. LOGAN & VIRGINIA W. LOGAN  
D.B. 2005 PG. 266 & D.B. 2005 PG. 269  
TAX PCL: 20-A-8 & 20-A-10

PARCEL 'B' - SOUTH AVENUE, LLC  
INST. 2008-00023360  
TAX PCL: 20-A-12

2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 297300477 DATED SEPTEMBER 09, 2009 REVISED OCTOBER 21, 2009. SPECIFICALLY ADDRESSING THOSE ITEMS LISTED IN SCHEDULE B - SECTION 2 SPECIAL EXCEPTIONS.

#1 - NOT ADDRESSED  
#2 - SHOWN  
#3 - DOES NOT PERTAIN  
#4 - SHOWN  
#5 - TEMPORARY EASEMENTS HAVE TERMINATED  
#6 - SHOWN  
#7 - TEMPORARY EASEMENTS HAVE TERMINATED  
#8 - DOES NOT PERTAIN

3. DURING THE PROCESS OF OUR PHYSICAL IMPROVEMENT SURVEY NO INDICATIONS OF A CEMETERY WERE FOUND. NO FURTHER INSPECTION OF THE PROPERTY HAS BEEN MADE FOR POSSIBLE CEMETERIES.

4. DATUM: HORIZONTAL - NAD 83  
VERTICAL - NAVD 88

5. THIS PROPERTY LIES IN ZONE 'X' OF THE HUD DEFINED FLOOD HAZARD AREA AS SHOWN ON COMMUNITY-PANEL NUMBER 51185C03920 DATED 2-8-08.

6. WATER & SEWER  
CITY OF HARRISONBURG  
DEPT. OF PUBLIC UTILITIES  
2155 BEERY ROAD  
HARRISONBURG, VA. 22801  
MARILYN MOYER  
540-434-5381

STORM SEWER  
CITY OF HARRISONBURG  
DEPT. OF PUBLIC WORKS  
320 EAST MOSBY ROAD  
HARRISONBURG, VA. 22801  
CLEVIN BALDWIN  
540-434-5928

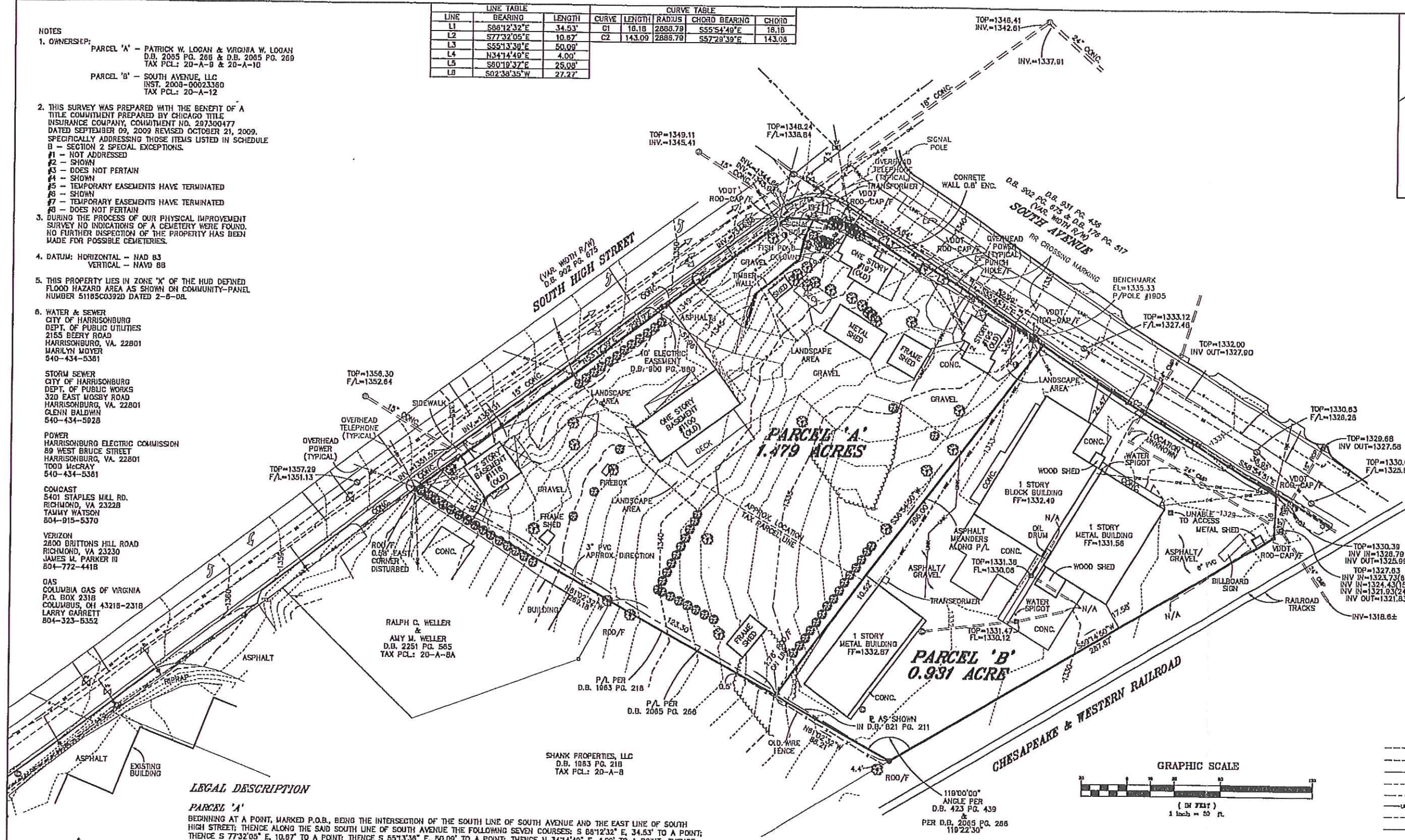
POWER  
HARRISONBURG ELECTRIC COMMISSION  
89 WEST BRUCE STREET  
HARRISONBURG, VA. 22801  
TODD MCCRAY  
540-434-5381

COMCAST  
5401 STAPLES MILL RD.  
RICHMOND, VA 23228  
TAMMY WATSON  
804-915-5370

VERIZON  
2600 BRITTONS HILL ROAD  
RICHMOND, VA 23230  
JAMES M. PARKER III  
804-772-4418

OAS  
COLUMBIA GAS OF VIRGINIA  
P.O. BOX 2318  
COLUMBUS, OH 43218-2318  
LARRY GARRETT  
804-323-8352

LINE TABLE			CURVE TABLE			
LINE	BEARING	LENGTH	CURVE	LENGTH	RADIUS	CHORD BEARING
L1	S88°12'32"E	34.53'	C1	18.18	2888.79	S55°54'49"E
L2	S77°32'05"E	10.87'	C2	143.09	2888.79	S57°29'39"E
L3	S55°13'38"E	50.09'				
L4	N34°14'49"E	4.00'				
L5	S80°19'37"E	25.08'				
L6	S02°38'35"W	27.27'				



## LEGAL DESCRIPTION

### PARCEL 'A'

BEGINNING AT A POINT, MARKED P.O.B., BEING THE INTERSECTION OF THE SOUTH LINE OF SOUTH AVENUE AND THE EAST LINE OF SOUTH HIGH STREET; THENCE ALONG THE SAID SOUTH LINE OF SOUTH AVENUE THE FOLLOWING SEVEN COURSES: S 88°12'32" E, 34.53' TO A POINT; THENCE S 77°32'05" E, 10.87' TO A POINT; THENCE S 55°13'38" E, 50.09' TO A POINT; THENCE N 34°14'49" E, 4.00' TO A POINT; THENCE S 80°19'37" E, 25.08' TO A POINT; THENCE S 55°45'11" E, 52.89' TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2888.79', A LENGTH OF 18.18', A CHORD BEARING OF S 55°54'49" E AND A CHORD OF 18.18' TO A POINT; THENCE LEAVING THE SAID SOUTH LINE OF SOUTH AVENUE S 38°54'50" W, 288.00' TO A POINT; THENCE N 61°02'32" W, 280.18' TO A POINT ON THE EAST LINE OF SOUTH HIGH STREET; THENCE ALONG THE SAID EAST LINE OF SOUTH HIGH STREET N 53°12'39" E, 289.72' TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.479 ACRES, 84,418 SQUARE FEET.

### PARCEL 'B'

BEGINNING AT A POINT, MARKED P.O.B., BEING THE INTERSECTION OF THE SOUTH LINE OF SOUTH AVENUE AND THE EAST LINE OF SOUTH HIGH STREET; THENCE ALONG THE SAID SOUTH LINE OF SOUTH AVENUE THE FOLLOWING SEVEN COURSES: S 88°12'32" E, 34.53' TO A POINT; THENCE S 77°32'05" E, 10.87' TO A POINT; THENCE S 55°13'38" E, 50.09' TO A POINT; THENCE N 34°14'49" E, 4.00' TO A POINT; THENCE S 80°19'37" E, 25.08' TO A POINT; THENCE S 55°45'11" E, 52.89' TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2888.79', A LENGTH OF 18.18', A CHORD BEARING OF S 55°54'49" E AND A CHORD OF 18.18' TO THE TRUE POINT AND PLACE OF BEGINNING; THENCE CONTINUING ALONG THE SAID SOUTH LINE OF SOUTH AVENUE THE FOLLOWING THREE COURSES: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2888.79', A LENGTH OF 143.09', A CHORD BEARING OF S 57°29'39" E AND A CHORD OF 143.08' TO A POINT; THENCE S 55°45'11" E, 38.85' TO A POINT; THENCE S 02°38'35" W, 27.27' TO A POINT ON THE NORTH LINE OF THE CHESAPEAKE AND WESTERN RAILROAD; THENCE LEAVING THE SOUTH LINE OF SOUTH AVENUE ALONG THE SAID NORTH LINE OF THE CHESAPEAKE AND WESTERN RAILROAD S 59°14'50" W, 287.87' TO A POINT; THENCE LEAVING THE SAID NORTH LINE OF THE CHESAPEAKE AND WESTERN RAILROAD N 61°02'32" W, 80.21' TO A POINT; THENCE N 38°54'50" E, 288.00' TO THE TRUE POINT AND PLACE OF BEGINNING CONTAINING 0.931 ACRE, 40,549 SQUARE FEET.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1,2,3,4,8 (BUILDING SETBACKS ONLY) 7A,B,9,10,11B & 13 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE COMMONWEALTH OF VIRGINIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

10-1-09  
DATE:

MICHAEL S. JENNINGS  
REGISTERED LAND SURVEYOR  
No. 2408



**ALTA/ACSM LAND TITLE SURVEY ON TWO PARCELS OF LAND LYING ON THE SOUTHEAST CORNER OF SOUTH AVENUE AND SOUTH HIGH STREET**

CITY OF HARRISONBURG, VA

DATE: OCTOBER 01, 2009 SCALE: 1" = 30'

JENNINGS STEPHENSON P.C.

10180 STAPLES MILL ROAD SUITE 103  
GLENN ALLEN, VA 22080  
PHONE - 804-545-6235  
FAX - 804-545-6235  
J.N. 09-531



Date Application Received 12-08-09

Total Paid \$1,400.00 *AR*

## Application for Change of Zoning District City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: (A) South Avenue, LLC, a Virginia limited liability Company  
Street Address: 140 Bennington Place Email: unknown  
City/State/Zip: Harrisonburg, Virginia 22801  
Telephone (work): c/o Todd C. Rhea, Esquire - (540) 433-2601 (home or cellular): N/A  
(fax): (540) 433-5528

(B) Patrick W. Logan, Sr. and Virginia W. Logan  
Street Address: 1100 S. High Street Email: unknown  
City/State/Zip: Harrisonburg, Virginia 22801  
Telephone (work): c/o Todd C. Rhea, Esquire - (540) 433-2601 (home or cellular): N/A  
(fax): (540) 433-5528

### Section 2: Owner's Representative Information

Name: Steven C. Rhodes, Esquire  
Street Address: BotkinRose PLC, 3210 Peoples Drive Email: Rhodes@botkinrose.com  
City/State/Zip: Harrisonburg, Virginia 22801  
Telephone (work): (540) 437-0210 (home or cellular): N/A (fax): (540) 437-0022

### Section 3: Description of Property

Location (street address): (A) 191 South Avenue, Harrisonburg, Virginia 22801  
Tax Map Number: Sheet: 20 Block: A Lot: 12 Total Land Area (acres or square feet): 42,143 square feet  
Existing Zoning District: M-1 Proposed Zoning District \*: B-2  
Existing Comprehensive Plan Designation: M-1

(B) (i) 1100 S. High Street, Harrisonburg, Virginia 22801 and (ii) 1118 S. High Street, Harrisonburg, Virginia, 22801  
Tax Map Numbers: (i) Sheet: 20 Block: A Lot: 10 Total Land Area (acres or square feet): 50,600 square feet  
(ii) Sheet: 20 Block: A Lot: 9 Total Land Area (acres or square feet): 33,300 square feet

Existing Zoning District: M-1 Proposed Zoning District \*: B-2  
Existing Comprehensive Plan Designation: M-1

\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper

Date Application Received 12-08-09

Total Paid \$ 1,400.00 SF

## Application for Change of Zoning District City of Harrisonburg, Virginia

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Name: (A) South Avenue, LLC, a Virginia limited liability Company  
Street Address: 140 Bennington Place Email: unknown  
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Existing Zoning District: M-1 Proposed Zoning District \* : B-2  
Existing Comprehensive Plan Designation: M-1

\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper



#### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

(a). Would the development from this rezoning require a Traffic Impact Analysis by VDOT?

Yes \_\_\_\_\_ No X

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

(b). Would the development from this rezoning require a Traffic Impact Analysis review by the City?

Yes X No \_\_\_\_\_

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

#### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names) SEE ATTACHED LIST

North: \_\_\_\_\_

East: \_\_\_\_\_

South: \_\_\_\_\_

West: \_\_\_\_\_

#### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature:

Patrick W. Logan Sr.  
Patrick W. Logan, Sr.

Virginia W. Logan  
Virginia W. Logan

#### ITEMS REQUIRED FOR SUBMISSION

\_\_\_\_ Completed Application  
\_\_\_\_ Survey of Property  
\_\_\_\_ Description of Proposed Use  
\_\_\_\_ Adjacent Property Owners

\_\_\_\_ Fees Paid  
\_\_\_\_ Source Deed  
\_\_\_\_ Proffers (if applicable)  
\_\_\_\_

#### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

(a). Would the development from this rezoning require a Traffic Impact Analysis by VDOT?

Yes \_\_\_\_\_ No X

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

(b). Would the development from this rezoning require a Traffic Impact Analysis review by the City?

Yes X No \_\_\_\_\_

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

#### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names) SEE ATTACHED LIST

North: \_\_\_\_\_

East: \_\_\_\_\_

South: \_\_\_\_\_

West: \_\_\_\_\_

#### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: \_\_\_\_\_

*Ron Durham*  
South Avenue LLC

*South Avenue LLC*

#### ITEMS REQUIRED FOR SUBMISSION

\_\_\_\_ Completed Application  
\_\_\_\_ Survey of Property  
\_\_\_\_ Description of Proposed Use  
\_\_\_\_ Adjacent Property Owners

\_\_\_\_ Fees Paid  
\_\_\_\_ Source Deed  
\_\_\_\_ Proffers (if applicable)  
\_\_\_\_\_

**North:**

172 South Avenue  
Tax Map No. 019-D-22

APB Rentals, LLC, 172 South Avenue, Harrisonburg, VA 22801

1064 S. High Street  
Tax Map No. 019-D-17

Nickolay Augusta Bondaruk, 1064 S. High Street, Harrisonburg, VA 22801

200 South Avenue  
Tax Map No. 019-A-1

Julian E.S., LLC, 5071 Runkles Gap Road, Elkton, VA 22827

1012 S. High Street  
Tax Map No. 019-D-11

RMC, Inc., 1012 S. High Street, Harrisonburg, VA 22801

**East:**

201 South Avenue  
Tax Map No. 020-B-8

Erma S. Sease, Post Office Box 715, Mathews, VA 23109

1105 S. High Street  
Tax Map No. 020-B-7

Erma S. Sease, Post Office Box 715, Mathews, VA 23109

1111 S. High Street  
Tax Map No. 020-B-6B

Marvin R. and Patricia Bowman Smith, 1117 S. High Street, Harrisonburg, VA 22801

1117 S. High Street  
Tax Map No. 020-B-6

Marvin R. and Patricia Bowman Smith, 1117 S. High Street, Harrisonburg, VA 22801

**South:**

1124 S. High Street  
Tax Map No. 020-A-8A

Ralph C. and Amy M. Weller, 1124 S. High Street, Harrisonburg, VA 22801

1136 S. High Street  
Tax Map No. 020-A-8

Shank Properties, L.L.C., 1136 S. High Street, Harrisonburg, VA 22801

136 Lynden Place  
Tax Map No. 019-H-24

Margaret Ann and Charles W. Ritchie, 136 Lynden Place, Harrisonburg, VA 22801

**West:**

134 Lynden Place  
Tax Map No. 019-H-23

Lamdouane K. Phimmachak, 134 Lynden Place, Harrisonburg, VA 22801

132 Lynden Place  
Tax Map No. 019-H-22

Maria M. Sosa, 132 Lynden Place, Harrisonburg, VA 22801

163 South Avenue  
Tax Map No. 019-H-1

Devon W. and Mary Sue Leeper, 1601 Hillcrest Drive, Harrisonburg, VA 22801

172 South Avenue  
Tax Map No. 019-D-22

APB Rentals, LLC, 172 South Avenue, Harrisonburg, VA 22801

Chesapeake and Western Rail Road, ATTN: Taxation Department,  
110 Franklin Road, Roanoke, VA 24042-0028



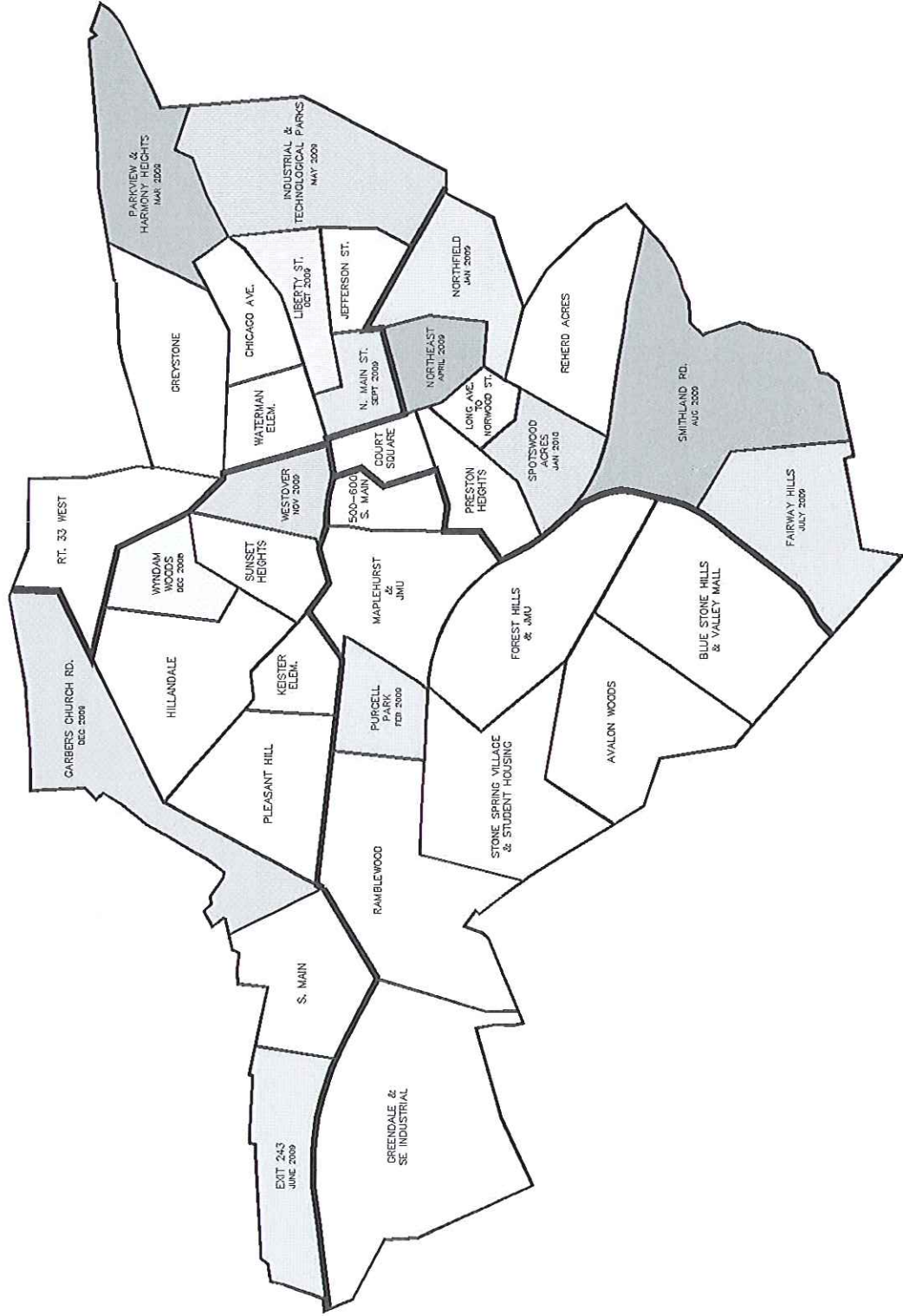
# January 2010 Proactive-Zoning Report

For the month of January 2010 the proactive-zoning program targeted the **Westover, Garber's Church, Spotswood Acres** sections of the city. During the proactive inspections a total of **19 violations** were found. The violations consisted of inoperable vehicles and discarded materials.

MONTH	SECTOR	VIOLATIONS	CORRECTED	1 <sup>st</sup> CYCLE	2 <sup>nd</sup> CYCLE
December 2008	Wyndham Woods	4	4	2	0
January 2009	Northfield	19	19	21	6
February 2009	Purcell Park	5	5	7	6
March 2009	Parkview	16	16	19	7
April 2009	Northeast	63	63	80	45
May 2009	Ind./Tech Park	0	0	0	1
June 2009	Exit 243	1	1	10	0
July 2009	Fairway Hills	0	0	1	0
August 2009	Smithland Rd.	0	0	0	4
September 2009	N. Main St.	4	4	13	4
October 2009	Liberty St.	18	12	6	4
November 2009	Westover	17	n/a	18	8
December 2009	Garber's Church	1	n/a	1	2
January 2010	Spotswood Acres	1	n/a	6	4
February 2010	Jefferson St.			26	22
March 2010	Forest Hills/JMU			6	1
April 2010	S. Main			1	0
May 2010	Hillandale			7	5
June 2010	Maplehurst/JMU			6	5
July 2010	Long /Norwood			12	28
August 2010	Greystone			13	10
September 2010	Greendale/SE			3	2
October 2010	Ramblewood			4	8
November 2010	Stone Spring Village/JMU			2	10
December 2010	Sunset Heights			7	29
January 2011	Reherd Acres			10	12
February 2011	RT 33 West			0	16
March 2011	Chicago Ave			16	22
April 2011	Pleasant Hill			4	13
May 2011	Avalon Woods			7	26
June 2011	Waterman Elementary			6	61
July 2011	Bluestone Hills & Valley Mall			3	33
August 2011	Keister Elementary			6	5
September 2011	500-600 S. Main			7	30
October 2011	Court Square			0	3
November 2011	Preston Heights			8	3

The proactive-zoning program for February 2010 will be directed towards the enforcement of the Zoning Ordinance in the **Jefferson St.** section of the City.

# Proactive Zoning Map



# Harrisonburg Planning Commission



## 2009 Annual Report



**Harrisonburg Planning Commission**  
2009 Annual Report

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Planning Commission Members

Jared Burden

Chairman

Resigned November 18, 2009

W. L. Jones, Jr.

Vice Chairman

*Voted Chairman December 9, 2009*

Richard A. Baugh

Vice Mayor

Charles Chenault

*Voted Vice Chairman December 9, 2009*

MuAwia Da'Mes

Board of Zoning Appeals Member

Alan Finks

Deb Fitzgerald

Appointed December 8, 2009

Joseph M. Snell, II



## Harrisonburg Planning Commission

### 2009 Annual Report

#### Rezoning

Request	Planning Commission Action	Date	City Council Action
Proffer Amendment 810 Port Republic Rd. B-2C Proffer Amendment 092 00A 001 003 008	Tabled by applicant at PC hearing  Recommended to deny (6-1)	10-08-08  12-10-08	-----  Tabled by applicant before CC hearing
635/655 Stone Spring Road (Kelly Straughn Properties) R-1 to B-2C 093 00B 001 001 008	Tabled by applicant at PC hearing  Recommended to deny (7-0)	02-13-08  03-12-08	-----  Tabled by applicant before CC hearing
West Rock St Apartments (B'twn W. Rock & Wolfe) M-1 to B-1C 035 00O 004 002 008	Recommended to deny (5-0)	06-11-08	Tabled by applicant before CC meeting
West Rock St Apartments (B'twn W. Rock & Wolfe) M-1 to B-1C 035 00O 004 002 008	Tabled by applicant before PC hearing	08-13-08	-----
The Quarry (B-2 Rezoning) B-2C & M-1 to B-2 013 00B 001 001 007	Tabled by applicant before PC hearing	12-12-07	-----
120 West Wolfe Street WRockStreet M-1 to B-1C 035 00O 004 001 009	Recommended to approve (6-0)	02-11-09	Approved (5-0)
181 South Liberty Street (Old Police Department) 025 00C 002 001 008	Recommended to approve (6-0)	02-11-09	Approved (5-0)
125 West Water Street M-1 to B-1 (Lowry) 025 00C 016 001 009	Recommended to approve (6-0)	06-10-09	Approved (5-0)

## **Harrisonburg Planning Commission**

### **2009 Annual Report**

907, 915, 917 & 919 North Main Street (ILEX LLC) B-2 & R-2 to M-1C 041 00C 043 001 009	Recommended to deny (7-0)	07-08-09	Withdrawn by applicant before CC meeting
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### **Special Use Permits**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
1680 Country Club Road (Religious Use 10-3-97(7)) 072 00A 008 001 009	Recommended to approve (7-0)	03-11-09	Approved (5-0)
1941 South High Street - Contractor Sales 10-3-91(6) 112 00A 007 001 009	Recommended to approve (7-0)	03-11-09	Approved (5-0)
521 Blue Ridge Drive – Major Family Day Home 10-3-34 (6) 029 00D 029 001 009	Tabled by PC at meeting  Recommended to approve (5-2)	03-11-09  04-08-09	Approved (4-0)
950 Turkey Run Road – Home Business 10-3-34(9) 022 00C 048 001 009	Tabled by PC at meeting  Withdrawn by applicant	04-08-09  09-28-09	-----
Iglesia Nueva Vida Pentecostes (Renewal) Religious Use 10-3-97(7) 039 00E 07A 001 009	Recommended to approve (7-0)	05-13-09	Approved (5-0)
Rockingham Mutual Insurance (Shentel Comm. Tower 10-3-91 (4)) 028 00J 012 001 009	Recommended to approve (4-2)	07-08-09	Tabled by CC at meeting (5-0)  Withdrawn by applicant
Jamison Black Marble 1430 Red Oak Street 10-3-97(10) 046 00C 008 001 009	Recommended to approve (6-0)	09-09-09	Approved (5-0)



## **Harrisonburg Planning Commission**

### **2009 Annual Report**

429 Eastover Drive – Major Family Day Home 10-3-34(6) 015 00F 002 001 009	Recommended to approve (4-1)	10-14-09	Approved (3-2)
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### **Street and Alley Closings**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Alley Closing between South Dogwood & Willow Adjacent to 36-R-3,7,11	Recommended to approve (7-0)	05-13-09	Approved (5-0)
Alley Closing between Effinger and Kelley Streets Adjacent to 33-G-1B, 2A, 3A, 4, and 5	Recommended to approve (7-0)	07-08-09	Approved (5-0)

### **Master Plan Amendments**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
VMRC Master Plan Amendment – 2009 (Woodland Facility)	Recommended to approve (6-0)	06-10-09	Approved (5-0)
VMRC Master Plan Amendment – 2009 Green House Homes	Recommended to approve (6-0)	11-12-09	Approved (5-0)

### **Ordinance/Comprehensive Plan Amendments**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Ordinance Amendment MX-U, Mixed Use Planned Community District	Recommended to approve (5-0)	01-14-09	Approved (5-0)
Ordinance Amendment Dwelling Definitions & Net Development Area	Recommended to approve (5-0)	01-14-09	Approved (5-0)
Ordinance Amendment Two Family Dwelling replaced by Duplex	Recommended to approve (5-0)	01-14-09	Approved (5-0)

## **Harrisonburg Planning Commission**

### **2009 Annual Report**

Ordinance Amendment R-6 and R-7 Occupancy	Recommended to approve (5-0)	01-14-09	Approved (5-0)
Ordinance Amendment R-6 and R-7 Article T Provisions	Recommended to approve (5-0)	01-14-09	Approved (5-0)
Ordinance Amendment Two Family to Duplex 10-3-38, 10-3-42 (c), 10-3-182 (c)	Recommended to approve (6-0)	02-11-09	Approved (5-0)
Ordinance Amendment Home Occupations added to R-5	Recommended to approve (6-0)	02-11-09	Approved (5-0)
Ordinance Amendment Boardinghouse/Roominghouse Definition Change 10-3-24	Recommended to approve (7-0)	03-11-09	Approved (5-0)
Ordinance Amendment Major Family Day Home in R-3/R-4	Recommended to approve (7-0)	03-11-09	Approved (5-0)
Ordinance Amendment R-3 Boardinghouse/Roominghouse language change	Recommended to approve (7-0)	04-08-09	Approved (4-0)
Ordinance Amendment Boardinghouse/Roominghouse in M-1 by Special Use Permit	Recommended to approve (7-0)	04-08-09	Approved (4-0)
Ordinance Amendment Home Business Definition & Special Use Additions	Tabled by PC at hearing Withdrawn by applicant	04-08-09 09-28-09	-----
Ordinance Amendment Home Occupation Definition Modification	Recommended to approve (7-0)	05-13-09	Approved (5-0)
Ordinance Amendment Setbacks for Structures Taller than 35 feet 10-3-92 & 98	Recommended to approve (7-0)	07-08-09	Tabled by CC at meeting (5-0)



## **Harrisonburg Planning Commission**

### **2009 Annual Report**

Ordinance Amendment – Ten Day Appeal Process 10-3-139(b)	Recommended to approve (6-0)	09-09-09	Approved (5-0)
Subdivision Ordinance Amendment – Radii Widths 10-2-41(k)	Recommended to approve (5-0)	10-14-09	Approved (5-0)
Ordinance Amendment Commercial Parking in R-3 allowed by SUP	Recommended to deny (5-1)	11-12-09	Withdrawn by applicant before CC meeting

### **Parking Requirements for School Facilities**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
MTC Parking Plan Modifications	Recommended to approve (6-0)	08-12-09	N/A

### **Preliminary Plats**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Hidden Creek Properties Section Two 021 00E 004 001 009	Approved (7-0)	03-11-09	N/A
Variance Request Lots 49 & 50 Norwood Street (Kettelkamp) 027 00S 049 002 009	Recommend to deny (4-2) for variance requests 10-2- 41 (i)(3) & 10-2-45 and recommended to approve (4-2) for variance requests 10-2-66 & 10-2-67	04-08-09	Sent back to PC due to changes in application.
Variance Request Lots 49 & 50 Norwood Street (with change to dedicate ROW at a future date) (Kettelkamp) 027 00S 049 002 009	Recommended to deny (3-2)	06-10-09	Approved (3-2)
Variance Request Community Street (Hill Group Properties) 034 00O 016 002 009	Recommended to approve (6-0)	06-10-09	Approved (5-0)

## **Harrisonburg Planning Commission**

### **2009 Annual Report**

Variance Request City of Harrisonburg (Old Emswiler Farm) 098 00A 001 001 009	Recommended to approve (7-0)	07-08-09	Approved (5-0)
Leray Circle Commercial Park 105 00C 007 001 009	Approved (6-0)	08-12-09	N/A
Cypress Park LLC, with variances from DCSM 3.1.10.2 & Sub Ord. Sec. 10-2-42(i) 100 00A 003 001 009	Recommend to deny (6-0)	09-09-09	Sent back to PC due to changes in application
Cypress Park LLC 100 00A 003 001 009	Recommended to approve (4-2) with variance to 10-2-41(a) with conditions.	11-12-09	Denied (5-0)

### **MEETINGS AND WORKSESSIONS**

 ***Total Number of Regular Meetings: 12***

#### *Meeting Dates:*

January 14, 2009  
February 11, 2009  
March 11, 2009  
April 8, 2009  
May 13, 2009  
June 10, 2009  
July 8, 2009  
August 12, 2009  
September 9, 2009  
October 14, 2009  
November 12, 2009  
December 9, 2009



## Harrisonburg Planning Commission

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#### ***Planning Commission Work Sessions & Other Meetings***

##### *Meeting Dates:*

April 15, 2009 Comp Plan Review with City Council

September 16, 2009 Comp Plan Pre-review Chapters 3, 5, & 6

October 14, 2009 Comp Plan Pre-review Chapters 7, 8, & 9

October 21, 2009 JMU Master Plan Presentation

December 9, 2009 CIP, Comp Plan Pre-review Chapters 10, 11, & 12

# Department of Planning and Community Development

## Report of Annual Activity

Planning and Zoning Division

2009



CITY OF HARRISONBURG, VIRGINIA





## **ZONING ACTIVITIES**

Inspection of Zoning Requirements	377
Proactive Zoning Violations	122
Home Occupations Permits Issued	136
Comprehensive Site Plans Reviewed	67
Sign Permits Issued	118
Building Permits Reviewed	552

## **SUMMARY OF THE BOARD OF ZONING APPEALS (BZA) ACTIVITY**

The Board of Zoning Appeals heard nine cases in 2009. Eight were setback variance requests and all eight were approved. One case was an appeal to the Zoning Administrators determination and this case was denied.

## **PROACTIVE ZONING ENFORCEMENT**

<b>Sector</b>	<b>Date</b>	<b>Violations Cited</b>
Northfield	January	19
Purcell Park	February	5
Park View / Harmony Heights	March	16
Northeast	April	63
Industrial / Technology Park	May	0
Exit 243	June	1
Fairway Hills	July	0
Smithland Road	August	0
North Main Street	September	4
North Liberty Street	October	14
Westover	November	Not Inspected
Garber's Church	December	Not Inspected

## MINOR SUBDIVISIONS

Request	Case Number	Staff Action	Date	Deed Book/Page
Rev. of Steroben Associates Prop. (Lot Line Vac.)	034 00I 004 001 008	Approved	03-13-09	3849/319
Margaret Alexander Sub. (Greendale & Horseshoe)	098 00C 007 001 009	Approved	09-25-09	3601/755
Rediv. Of Lots 4C1 & 4C2, Edwards Sub., Sec. 1	009 00O 002 001 009	Approved	03-03-09	3484/184
Resub. Heritage Estates Lots 22B, 21A & B, 20A & B, & 27A & B	117 00C 020A 001 009	Approved	04-29-09	3510/642
Rediv. of The Townes @ Wellington Park Lot Adjustments	031 00K 008 001 009	Approved	04-29-09	3515/278
Yutzy Subdivision (N. Willow St.)	035 00P 024 002 009	Approved	04-27-09	3507/664
Eagle Subdivision (CVS Lot)	088 00F 004 001 009	Approved	05-05-09	3541/781
Copper Beech Pump Station Lot	081 00A 017 001 009	Approved	07-14-09	3568/664
Lot Line Vac. – Lots 2, 3, & 4 Dealton Sub.	010 00C 002 001 009	Approved	06-16-09	3544/755
Shenandoah St. (ROW Dedication from Brooks)	048 00E 009 001 009	Approved	06-22-09	3548/113
Payne Estate Sub. (Pear St.)	111 00A 008 001 009	Approved	06-29-09	3550/690
Superior Concrete Lot Line Vacation	013 00B 005 001 009	Approved	08-17-09	3576/533
Redivision of Tax Parcels 25-M-9 & 10	025 00M 009 002 009	Approved	08-24-09	3585/318
Wilkerson Lots Fairview Add. (Lots 17 & 18)	011 00I 017 001 009	Approved	09-08-09	3588/286



Joel W. Yoder Redivision	049 00A 009 001 009	Withdrawn	10-05-09	N/A
Rediv. of the Cospy Comp. Inc. Prop.	015 00N 001 002 009	Approved	11-05-09	3631/166

### **FINAL PLATS**

<b>Request</b>	<b>Case Number</b>	<b>Staff Action</b>	<b>Date</b>	<b>Deed Book/Page</b>
Chatham Square	074 00B 002 003 008	Approved	04-21-09	3532/185
Hidden Creek Properties – Sec. Two	021 00E 004 001 009	Approved	06-08-09	3549/394
Blakely Park, Section One	042 00D 020 002 009	Approved	07-13-09	3557/140
LeRay Circle Commercial Park	105 00C 007 001 009	Approved	10-30-09	3616/276
Lucy Drive Dedication Charleston Townes	080 00A 004 001 009	Approved	08-26-09	3581/751
Charleston Townes Section 2	080 00A 004 002 009	Approved	12-04-09	3637/95
Old Emswiler Farm (City of Harrisonburg Plat)	098 00A 001 002 009	Approved	12-17-09	3641/170